

about 50% of the thickness of the dough sheet or block and a depth of about 3% to about 50% of the thickness of the dough sheet or block;

A2 separating the pieces from the dough sheet or block by breaking them along the grooves or score lines; and then

baking the pieces to obtain individually baked cookies.

REMARKS

Claims 1 - 19 and 21 - 30, as amended, appear in this application for the Examiner's review and consideration. The amendments to claims 1 and 6 are supported by the specification and originally filed claims such that no new matter has been added by these amendments. Specifically, claim 1 has been amended to recite that the cookie dough is refrigerated. The basis for this amendment may be found in originally filed claim 20. Claim 6 has been amended to independent form so that this claim can be allowed. Thus, entry of these amendments at this time is warranted and would be appreciated.

Claims 1-4, 5, 21-24 and 28 were rejected under 35 U.S.C. 102(a) as being anticipated by the brochure on Gourmet Cookies. Applicants respectfully traverse.

The brochure on Gourmet Cookies clearly discloses a ready to bake frozen dough product that is supplied as a pre-cut slab. The brochure does not disclose a refrigerated cookie dough as recited in claim 1, i.e., one having a thickness and a surface and which has separable pieces of predefined shape. Furthermore, the brochure does not disclose that one or more pieces can be separated from the refrigerated cookie dough sheet or block, and then the pieces can be baked to obtain individually baked cookies. Instead, the brochure discloses a frozen slab that is pre-cut, i.e., which in that context is believed to mean that the dough is cut all the way through the thickness before the pieces are arranged next to each other and the dough is frozen. As noted in the brochure, there is no need for the user to do any "cutting, weighing or scooping". The user can simply break or "snap off" the frozen dough pieces for placement on a cookie sheet for baking without waiting for the dough to thaw. It appears that the "pre-cut" description cannot be interpreted as being a partial cut through the frozen dough, as this would appear to be contrary to the user's ability to easily separate the dough pieces for baking without thawing, since the uncut portion of the frozen dough would not break easily. Also, this would be inconsistent with the disclosure that no cutting is necessary.

Moreover, certain dependent claims are further distinguishable from the reference. The brochure does not disclose flour in an amount of from about 20 to 40%, sugar present in an amount of from about 10 to 40%, fat present in an amount of about 10 to 25 %, and a texturizing agent in an amount up to 10% (claim 12). Rather, the brochure merely discloses that the Rendi-bake Gourmet Cookies contain the "finest quality ingredients." There is no suggestion as to any of the specific ingredients. Accordingly, the present claims are not anticipated by the brochure on Gourmet Cookies. Therefore, the Applicants respectfully request that the rejection to claims 1-4, 5, 21-24 and 28 be withdrawn.

Claims 7-20, 24-25, 27, 29-30 were rejected under 35 U.S.C. 103(a) as being obvious over the brochure on Gourmet Cookies. Applicants respectfully traverse.

To establish a prima facie case of obviousness over the present claims, the brochure of Gourmet Cookies must teach or suggest all the claim limitations. *M.P.E.P.* § 2143. The brochure merely teaches a frozen ready to bake cookie dough product supplied as a pre-cut slab. This actually teaches away from the present claims. By disclosing a pre-cut slab, the intersecting lines which define the pieces that are baked into cookies pass through the entire dough thickness, i.e., they have a depth of 100% of the thickness of the cookie slab. In other words, the brochure does not suggest a cookie dough sheet that is not totally or fully "pre-cut," but which instead has grooves of a depth of about 3% to about 95% of the thickness of the dough sheet. This is possible in the present invention because the dough is refrigerated rather than frozen. Whereas a frozen dough requires a complete cut so that the pieces can be separated before baking without having to thaw the dough, applicants' soft refrigerated dough can be easily separated with only a partial cut. In fact, the partial cut is necessary since it enables the dough to remain together without premature separation of the dough pieces. Furthermore, even when a large cut, such as 75 to 95% is used, the soft dough can return into contact with each other after the grooves are made and can adhere together. The larger cuts prevent some of the sticking so that it is easier for the user to separate the dough pieces for baking.

Moreover, as discussed above, the brochure does not disclose any ingredients. While one who is making cookies does know certain recipes for this, there is no teaching to utilize the specific composition recited in claim such as claim 12, where the dough includes flour in an amount from 10 to 40%, sugar in an amount from 10 to 40%, and fat present in an amount of 10 to 25%, and a texturizing agent in an amount of up to 10%. Furthermore, it is nowhere suggested in the brochure that the fat is a solid or liquid fat at room temperature (claim 13), the fat is lard, tallow, margarine, maize oil, copra oil, palm oil, sunflower oil, or Soya bean

oil (claim 14), or that the cookie dough also includes baking powder (claim 10) which may be a mixture of at least one of bicarbonate or carbonate salt, at least one acidifying agent, and at least one separating agent (claim 16). For all of these reasons, the present claims are not rendered obvious by the brochure on Gourmet Cookies. Accordingly, Applicants respectfully request that the Examiner withdraw the rejection to claims 7-20, 24 -25, 27, 29-30 under 35 U.S.C. 103(a).

The Examiner's indication of allowable subject matter in claims 6 is noted with appreciation. This claim is now written in independent form and should be allowed.

No fee is believed to be due for this submission. Should any fees be due, however, please charge such fees to Winston & Strawn Deposit Account No. 501-814.

Respectfully submitted,

Date: _____

5/20/02


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APPENDIX A - MARKED UP VERSION

1. (Amended) A method for providing individually baked cookies comprising the steps of providing an uncooked refrigerated cookie dough or block which has a thickness and a surface and which has separable pieces of predefined shape, separating one or more pieces from the cookie dough sheet or block, and then baking the pieces to obtain individually baked cookies.

6. (Amended) A [The] method [of claim 2] for providing individually baked cookies comprising the steps of:

providing an uncooked cookie dough sheet or block which has a thickness and a surface and which has separable pieces of predefined shape;

defining the shape of the pieces by providing grooves, score lines in the surface of the dough sheet or block, wherein the grooves or score lines have a width of from about 3% to about 50% of the thickness of the dough sheet or block and a depth of about 3% to about 50% of the thickness of the dough sheet or block;

separating the pieces from the dough sheet or block by breaking them along the grooves or score lines; and then

baking the pieces to obtain individually baked cookies.

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APPENDIX B—CLEAN SET OF CLAIMS

1. (Amended) A method for providing individually baked cookies comprising the steps of providing an uncooked refrigerated cookie dough or block which has a thickness and a surface and which has separable pieces of predefined shape, separating one or more pieces from the cookie dough sheet or block, and then baking the pieces to obtain individually baked cookies.

2. The method of claim 1 which further comprises defining the shape of the pieces by providing grooves, score lines in the surface of the dough sheet or block, and separating the pieces from the dough sheet or block by breaking them along the grooves or score lines.

3. The method of claim 2 wherein the grooves or score lines are substantially straight to define dough pieces having substantially straight sides.

4. The method of claim 3 wherein the grooves or score lines intersect to define the dough pieces.

5. The method of claim 1 wherein the dough is formulated to flow upon baking and the pieces are baked on a sheet or pan which allows the dough to flow to form substantially round individually baked cookies.

6. The method for providing individually baked cookies comprising the steps of :
providing an uncooked cookie dough sheet or block which has a thickness and a surface and which has separable pieces of predefined shape;

defining the shape of the pieces by providing grooves, score lines in the surface of the dough sheet or block, wherein the grooves or score lines have a width of from about 3% to about 50% of the thickness of the dough sheet or block and a depth of about 3% to about 50% of the thickness of the dough sheet or block;

separating the pieces from the dough sheet or block by breaking them along the grooves or score lines; and then

baking the pieces to obtain individually baked cookies.

7. The method of claim 6 wherein the grooves or score lines have a width of about 1 to 5 mm.

8. The method of claim 6 wherein the grooves or score lines have a depth of about 1 to 5 mm.

9. The method of claim 6 wherein the dough sheet or block has a thickness of about 1 to 3cm.

10. The method of claim 1 wherein the cookie dough comprises flour, sugar, baking powder, and fat and the baking powder is present in an amount of between 0.3 and 1.5 percent.

11. The method of claim 10 wherein the cookie dough contains between about 6 and 9 percent water.

12. The method of claim 10 wherein the flour is present in an amount of from about 10 to 40 percent by weight, the sugar is present in an amount of from about 10 to 40% by weight, and the fat is present in an amount of about 10 to 25 percent by weight and further including texturizing agent in an amount up to 10 percent.

13. The method of claim 12 wherein the texturizing agent is whole egg or egg white and is present in an amount of between about 2 and 5 percent by weight.

14. The method of claim 10 wherein the fat is a solid or liquid fat at room temperature and of animal or plant origin.

15. The method of claim 10 wherein the fat is lard, tallow, margarine, maize oil, copra oil, palm oil, sunflower oil, or Soya bean oil.

16. The method of claim 10 wherein the baking powder is a mixture of at least one bicarbonate or carbonate salt, at least one acidifying agent, and at least one separating agent.

17. The method of claim 16 wherein the baking powder is bicarbonate in an amount of at least 0.5 percent.

18. The method of claim 10 further comprising pieces of chocolate, oat flakes, or groundnuts, in an amount of between about 10 and 30 percent by weight of the cookie dough.

19. The method of claim 18 wherein the chocolate, oat flakes, or groundnut pieces are between 1 and 10 mm in size.

20. cancelled.

21. A method for providing individually baked products comprising the steps of providing an uncooked dough sheet or block which has separable portions of predefined shape, separating one or more portions from the sheet or block, and then baking the portions to obtain individually baked products.

22. The method of claim 21 which further comprises defining the shape of the portions by grooves, score lines or combinations thereof and separating the portions from the sheet by breaking them along the grooves or score lines.

23. The method of claim 22 wherein the grooves or score lines are substantially straight to define polygonal shaped portions.

24. The method of claim 22 wherein the substantially straight grooves or score lines intersect to define the portions.

25. The method of claim 22 wherein the grooves or score lines are at least partially arcuate to define an object having non-linear features.

26. The method of claim 22 wherein the grooves, score lines, or combination thereof have a width of from about 0.5% to about 50% of the thickness of the dough sheet or block and a depth of about 3% to about 95% of the thickness of the dough sheet or block.

27. The method of claim 21 wherein the portions are baked in separate pans which define the final shape and configuration of the individually baked product.

28. The method of claim 21 wherein the dough is formulated to flow upon baking and the portions are baked on a sheet or pan which allows the portions to flow to form substantially round individually baked products.

29. The method of claim 21 wherein the portions are separated but baked in a single pan to facilitate more uniform baking of the portions.

30. The method of claim 29 wherein the dough is formulated to flow upon baking and the portions flow together while baking to form a baked mass of individual products.